

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

CAPELLA PHOTONICS, INC.,

Plaintiff,

v.

FUJITSU NETWORK
COMMUNICATIONS, INC.,

Defendant.

Case No. 2:20-cv-76-JRG

**SECOND JOINT MOTION TO EXTEND STAY
AND DEADLINE TO DISMISS ACTION**

Plaintiff Capella Photonics, Inc. (“Plaintiff”) and Defendant Fujitsu Network Communications, Inc. (“FNC”) hereby jointly move the Court to further extend by two weeks the stay and deadline for dismissal currently in effect. By Order dated May 7, 2021 (Dkt. 98), the Court stayed all deadlines for thirty (30) days as a result of the Parties’ agreement in principle to settle this matter. By Order dated June 10, 2021 (Dkt. 102), the Court stayed all deadlines for an additional fourteen (14) days and instructed the parties to file dismissal papers by June 21, 2021.

The parties have been diligently working on the long-form settlement agreement and are nearing completion. However, the parties seek an additional fourteen (14) days to finalize and execute their agreement. As good cause for the present motion, the parties state that they been diligently working to address various terms in the long-form settlement agreement, have exchanged multiple drafts of the agreement and its exhibits, have significantly narrowed the remaining issues, conducted a telephone conference last week to seek resolution on remaining issues and expect to be able to finalize the agreement in the next few days. The parties request the additional time to allow them to finalize and obtain management authorization to sign the long-form settlement agreement. The parties request the continued stay and extension not for the purposes of any delay, but so that they may finalize the long-form settlement agreement and file

dismissal papers without incurring additional expenses. A proposed order is attached.

Dated: June 21, 2021

By: /s/ Christopher L. Wanger

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**Attorneys for Defendant
Fujitsu Network Communications, Inc.**

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was filed electronically in compliance with Local Rule CV-5(a). Therefore, this document was served on all counsel who are deemed to have consented to electronic service on this 21st day of June, 2021.

/s/ Melissa R. Smith
Melissa R. Smith

CERTIFICATE OF CONFERENCE

I hereby certify that Counsel for Plaintiff and Counsel for Defendant have complied with the meet and confer requirement in Local Rule CV-7(h) regarding this Motion. The Parties are in agreement and are seeking joint relief.

/s/ Melissa R. Smith
Melissa R. Smith